

REMARKS/ARGUMENTS

Status of Claims

Claims 1, 3-8, 10-15 and 18 are pending. Claims 1, 3-7, 10, 11 and 12 are currently amended. Claims 2, 9, 16 and 17 are cancelled.

Formalities

Applicant respectfully requests the Examiner to consider the IDS filed on February 7, 2008 and formally accept the drawings.

Applicant thanks the Examiner acknowledging that priority document was filed. Applicant also thanks the Examiner for previously considering the IDSs filed on March 16, 2004, May 23, 2005, March 1, 2006, June 11, 2007 and October 22, 2007.

Rejections of claims 1-18 under Yang (US 6,529,742) - invalid under 35 USC § 103

Applicant submits that the rejection of claims 1-18 under 35 USC § 103(a) is improper under 35 USC § 103(c).

35 USC § 103(c) says that subject matter which qualifies as prior art only under subsection (e) of section 102 shall not preclude patentability under 35 USC § 103(c) where the subject matter and the claimed invention were, at the time claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

In this case, Yang, the prior art, qualifies only as prior art only under subsection (e) of section 102 and was owned or subject to an obligation of assignment to the same person as the current claimed invention. Specifically, the present application and Yang were both assigned to Samsung Electronics at the time of Applicant's claimed invention, and the present application's effective filing date of September 17, 2002 (based on priority claim to KR 56641/2002). Yang only qualifies as prior art under subsection (e) of section 102, as of December 27, 1999 (Yang's filing date). Yang does not preclude patentability of Applicants' claimed invention since both the subject matter of Yang and Applicants' claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Thus, the rejections under Yang are improper, at least for these reasons. Applicant respectfully requests the Examiner to withdraw all rejections and pass the application for allowance. If the Examiner does not pass the application for allowance, Applicant respectfully

request that the Examiner issue the next action as non-final so the Applicant has an opportunity to respond.

Rejection of claims 1, 12 and 13 under 35 USC § 103(a) as being unpatentable over Yang (6529742), in view of Park (US 2002/0039105)

In addition to submitting that Yang is not prior art under 35 USC § 103 (see remarks above), Applicant further submit that Yang and Park, when applied alone or in any combination, do not disclose, teach or suggest claims 1, 12 and 13. Park fails to make up for Yang's deficiencies.

Claim 1 recites an apparatus for displaying a television video signal in a mobile terminal, comprising input means for generating a plurality of signals for control of a television mode of said mobile terminal control means responsive to said control signals from said input means for generating a plurality of commands for execution of said television mode and user data to be displayed when said television mode is executed, a tuner for receiving a television signal of a selected channel, a decoder for decoding the television signal received by said tuner to separate the television signal into said television video signal, an audio signal and synchronous signals, video processing means for, in said television mode, converting said video signal from said decoder into digital video data, processing and storing the converted digital video data on a frame basis, outputting stored video data of a previous frame in a frame period and then outputting said user data, and display means comprising a video data display area and a user data display area, said display means displaying said frame video data and user data from said video processing means respectively in said video data display area and user data display area, wherein said video processing means comprises: a first memory storing said user data, a second memory storing said television video signal sequentially on a frame basis, a third memory storing a previous frame of said frames stored in said second memory; and memory controlling means that stores a current frame of said received video signal into said second memory, outputs a video signal of a previous frame stored in said third memory, and then outputs user data stored in said first memory upon completing the output of said video signal of said previous frame, wherein said memory controlling means stores a new current frame into said second memory, and at the same time, prior to a corresponding new frame being stored into a second memory, stores into said third memory a frame stored in said second memory as a previous frame.

Applicant submits that Yang does not disclose or suggest claim 1, and Park fails to make up for Yang's deficiencies.

Park merely discloses a color display driving apparatus in a portable mobile telephone with a color display unit comprising a first memory 12 storing YUV-RGB data (see paragraph 17) and a second memory 20 storing 1-frame RGB data (see paragraph 18). Park fails to disclose at least the video processing means as recited in claim 1.

Thus, claim 1 is allowable, at least for these reasons.

Claim 12 is allowable at least for reasons similar to claim 1.

Claim 13 is allowable at least because it depends from base claim 12.

Claims 2-11 and 14-18 compared to '063 in view of Park, and further in view of Narui (US 6816131)

In addition to submitting that Yang is not prior art under 35 USC § 103 (see remarks above), Applicant further submit that Yang and Park, when applied alone or in any combination, do not disclose, teach or suggest claims 1, 12 and 13. Park fails to make up for Yang's deficiencies.

Claims 2-8, 10 and 11 are allowable at least because they depend from allowable base claim 1.

For claim 2, Park does not disclose the second and third memories, as recited in claim 2. Additionally, Narui fails to make up for '063's and Park's deficiencies. Nauri merely discloses dynamic RAMs 58 and 60 constituting a frame memory. However, Nauri fails to disclose a memory controller for storing received data, as recited in claim 2. Thus, claim 2 is allowable at least for this reason.

Claims 14 and 15 are allowable at least because they depend from allowable base claim 12.

Claim 18 is allowable at least for reasons similar to claim 1, 12, 16 and 17, above.

Double Patenting

The Examiner provisionally rejected claims 1-18 on the ground of non-statutory obviousness-type double patenting as being un-patentable over claims 1-16 of co-pending application Serial No. 10/658,545.

Applicant respectfully traverses this allegation because the Examiner failed to establish a prima facie case of obviousness to support the obviousness-type double patenting rejection. Applicant respectfully requests the Examiner to withdraw the rejection.

Under MPEP § 804.B.1, an obviousness double patenting rejection if not based on anticipation rationale, is analogous to the non-obviousness requirement of 35 USC § 103 and the analysis employed in an obviousness-type double patenting rejection parallels the guidelines for analysis of a 35 USC § 103 obviousness determination. Since the analysis employed in an obviousness-type double patenting determination parallels the guidelines for a 35 USC § 103(a) rejection, the factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103 are employed when making an obviousness double patenting analysis. See MPEP § 804.B.1.

The current rejection is not based on anticipation rationale because the Examiner stated that “the conflicting claims are not identical,” and further the Examiner failed to establish the factual inquiries set forth in *Graham* to establish the requirements under 35 USC § 103. Thus, the Examiner failed to establish a prima facie case of obviousness-type double patenting rejection.

Applicant respectfully requests the Examiner to withdraw the double patenting rejection.

Additionally, since the present application was filed on the same day as co-pending application Serial No. 10/658,545, Applicant respectfully requests the Examiner to withdraw the double patenting in the present application because the present application comprises the base invention and the co-pending application comprises an improvement.

Appl. No. 10/658,208
Office Action dated June 26, 2008
Reply dated September 26, 2008

Conclusion

In view of the above, it is believed that the above-identified application is in condition for allowance, and notice to that effect is respectfully requested. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,



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